

**Form M-200**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>In re:</b>	§	<b>Case No. 13-20227-C-7</b>
<b>CHRISTOPHER D. ARMITAGE A/K/A</b>	§	<b>(Chapter 7)</b>
<b>CHRISTOPHER DOUGLAS</b>	§	
<b>ARMITAGE,</b>	§	
<b>Debtor.</b>		

**MOTION FOR RELIEF FROM THE STAY REGARDING NON-EXEMPT PROPERTY**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN SEPTEMBER 16, 2013 AND YOU MUST ATTEND THE HEARING.**

**THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN FIVE BUSINESS DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON SEPTEMBER 23, 2013 AT 9:00 A.M. IN COURTROOM AT 1133 N. SHORELINE BLVD., 2<sup>ND</sup> FLOOR, CORPUS CHRISTI, TX 78401.**

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.

2. Movant: Ocwen Loan Servicing, LLC

3. Movant, directly or as agent for the holder, holds a security interest in 5117 Brookside Lane New Port Richey, Florida 34653

LOT 53, THE MEADOWS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 109-12, INCLUSIVE, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

BEING THE SAME PROPERTY CONVEYED TO CHRISTOPHER D. ARMITAGE BY DEED FROM WENDY D. COURTER AND TRACY LEWIS RECORDED 09/21/2007 IN DEED BOOK 7639 PAGE 1930, IN THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not claimed as exempt by the debtor.

5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Residential Home

6. Debtor's scheduled value of property: \$0.00.

7. Movant's estimated value of property per Appraisal District Valuation: \$62,154.00.

8. Total amount owed to movant: \$184,697.60 as of July 18, 2013.

9. Estimated equity (paragraph 7 minus paragraph 8): \$(122,543.60).

10. Total pre and post-petition arrearages: \$29,321.52 as of August 8, 2013.

11. Total post-petition arrearages: \$4,303.45 as of August 8, 2013.

12. Amount of unpaid, past due property taxes, if applicable: \$ N/A.

13. Expiration date on insurance policy, if applicable: N/A.

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14. X Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the inception of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parole evidence to interpret a payment history that does not satisfy these representations.

15. N/A. Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts.

16. If applicable: Name of CoDebtor: N/A.

17. Based on the foregoing, movant seeks termination of the automatic stay [and the co-debtor stay, if applicable] to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: On August 13, 2013, at 4:34 p.m., I spoke to the Debtor's attorney regarding this Motion and the basis of said Motion. The Debtor does not oppose the Motion as the Debtor as surrendered the Property. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

Date: August 29, 2013



Movant's counsel signature  
Anh P. Nguyen SBOT 24079053  
Telephone: (713) 293-3610  
Facsimile: (858) 412-2792

**Mailing Address**  
4375 JUTLAND DRIVE, SUITE 200  
P.O. BOX 17933  
SAN DIEGO, CA 92177-0933

**Certificate of Service and Certificate of Compliance with BLR 4001**

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on August 29, 2013 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.



Movant's Counsel

	Payment History					
	NAME:	ARMITAGE				
	Loan number	*****7794				
	Mort. Comp.	Ocwen				
	Case Number	13-20227				
	Date Filed	5/21/2013				
Date Posted	Amount Rec'd	Amount Applied	Post Petition Month Paid	Suspense	Debtor Suspense Balance	Notes
				\$ -	\$ -	
7/7/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
7/7/2008		\$ 1,172.41	7/1/2008	\$ (1,172.41)	\$ -	
8/27/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
8/27/2008		\$ 1,172.41	8/1/2008	\$ (1,172.41)	\$ -	
8/27/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
8/27/2008		\$ 1,172.41	9/1/2008	\$ (1,172.41)	\$ -	
10/7/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
10/7/2008		\$ 1,172.41	10/1/2008	\$ (1,172.41)	\$ -	
11/8/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
11/8/2008		\$ 1,172.41	11/1/2008	\$ (1,172.41)	\$ -	
12/8/2008	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
12/8/2008		\$ 1,172.41	12/1/2008	\$ (1,172.41)	\$ -	
1/9/2009	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
1/9/2009		\$ 1,172.41	1/1/2009	\$ (1,172.41)	\$ -	
2/11/2009	\$ 1,242.41			\$ 1,242.41	\$ 1,242.41	
2/11/2009		\$ 1,172.41	2/1/2009	\$ (1,172.41)	\$ 70.00	
2/24/2009		\$ 70.00		\$ (70.00)	\$ -	Applied to Principal
3/19/2009	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
3/19/2009		\$ 1,172.41	3/1/2009	\$ (1,172.41)	\$ -	
4/9/2009	\$ 1,172.41			\$ 1,172.41	\$ 1,172.41	
4/9/2009		\$ 1,172.41	4/1/2009	\$ (1,172.41)	\$ -	
5/18/2009	\$ 1,184.49			\$ 1,184.49	\$ 1,184.49	
5/18/2009		\$ 1,184.49	5/1/2009	\$ (1,184.49)	\$ -	
7/16/2009	\$ 1,184.49			\$ 1,184.49	\$ 1,184.49	
7/16/2009		\$ 1,184.49	6/1/2009	\$ (1,184.49)	\$ -	
8/17/2009	\$ 1,551.69			\$ 1,551.69	\$ 1,551.69	
8/17/2009		\$ 1,184.49	7/1/2009	\$ (1,184.49)	\$ 367.20	
9/17/2009	\$ 1,551.69			\$ 1,551.69	\$ 1,918.89	
9/17/2009		\$ 1,184.49	8/1/2009	\$ (1,184.49)	\$ 734.40	
9/25/2009	\$ 1,670.12			\$ 1,670.12	\$ 2,404.52	
9/25/2009		\$ 1,184.49	9/1/2009	\$ (1,184.49)	\$ 1,220.03	
11/14/2009	\$ 1,184.49			\$ 1,184.49	\$ 2,404.52	
11/14/2009		\$ 1,184.49	10/1/2009	\$ (1,184.49)	\$ 1,220.03	
11/14/2009	\$ 1,184.49			\$ 1,184.49	\$ 2,404.52	
11/14/2009		\$ 1,184.49	11/1/2009	\$ (1,184.49)	\$ 1,220.03	
11/14/2009	\$ (1,220.03)			\$ (1,220.03)	\$ -	REVERSED
12/26/2009	\$ 1,184.49			\$ 1,184.49	\$ 1,184.49	
12/26/2009		\$ 1,184.49	12/1/2009	\$ (1,184.49)	\$ -	
1/26/2010	\$ 1,255.57			\$ 1,255.57	\$ 1,255.57	
1/26/2010		\$ 1,184.49	1/1/2010	\$ (1,184.49)	\$ 71.08	
1/26/2010		\$ 71.08		\$ (71.08)	\$ -	Late Charge
2/11/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
2/11/2010		\$ 1,337.02	2/1/2010	\$ (1,337.02)	\$ -	
3/9/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	

EXHIBIT A

3/9/2010		\$ 1,337.02	3/1/2010	\$ (1,337.02)	\$ -	
4/12/2010	\$ 1,373.02			\$ 1,373.02	\$ 1,373.02	
4/12/2010		\$ 1,337.02	4/1/2010	\$ (1,337.02)	\$ 36.00	
4/16/2010		\$ 35.54		\$ (35.54)	\$ 0.46	Late Charge
4/16/2010		\$ 0.46		\$ (0.46)	\$ 0.00	Applied to Principal
5/10/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
5/10/2010		\$ 1,337.02	5/1/2010	\$ (1,337.02)	\$ -	
6/9/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
6/9/2010		\$ 1,337.02	6/1/2010	\$ (1,337.02)	\$ -	
7/27/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
7/27/2010		\$ 1,337.02	7/1/2010	\$ (1,337.02)	\$ -	
8/23/2010	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
8/23/2010		\$ 1,337.02	8/1/2010	\$ (1,337.02)	\$ -	
10/15/2010	\$ 1,372.02			\$ 1,372.02	\$ 1,372.02	
10/15/2010		\$ 1,337.02	9/1/2010	\$ (1,337.02)	\$ 35.00	
10/15/2010		\$ 35.00		\$ (35.00)	\$ -	Late Charge
1/28/2011	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
1/28/2011		\$ 1,337.02	10/1/2010	\$ (1,337.02)	\$ -	
1/28/2011	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
1/28/2011		\$ 1,337.02	11/1/2010	\$ (1,337.02)	\$ -	
1/28/2011	\$ 1,337.02			\$ 1,337.02	\$ 1,337.02	
1/28/2011		\$ 1,337.02	12/1/2010	\$ (1,337.02)	\$ -	
1/28/2011	\$ 1,550.80			\$ 1,550.80	\$ 1,550.80	
1/28/2011		\$ 1,337.02	1/1/2011	\$ (1,337.02)	\$ 213.78	
1/28/2011		\$ 213.78		\$ (213.78)	\$ -	Late Charge
2/21/2011	\$ 1,338.36			\$ 1,338.36	\$ 1,338.36	
2/21/2011		\$ 1,338.36	2/1/2011	\$ (1,338.36)	\$ -	
3/28/2011	\$ 1,338.36			\$ 1,338.36	\$ 1,338.36	
3/28/2011		\$ 1,338.36	3/1/2011	\$ (1,338.36)	\$ -	
4/29/2011	\$ 1,378.36			\$ 1,378.36	\$ 1,378.36	
4/29/2011		\$ 1,338.36	4/1/2011	\$ (1,338.36)	\$ 40.00	
5/23/2011	\$ 1,374.98			\$ 1,374.98	\$ 1,414.98	
5/23/2011		\$ 1,338.36	5/1/2011	\$ (1,338.36)	\$ 76.62	
5/23/2011		\$ 40.00		\$ (40.00)	\$ 36.62	Late Charge
5/27/2011		\$ 32.16		\$ (32.16)	\$ 4.46	Late Charge
5/27/2011		\$ 4.46		\$ (4.46)	\$ 0.00	Applied to Principal
8/31/2011	\$ 2,020.04			\$ 2,020.04	\$ 2,020.04	
8/31/2011		\$ 1,338.36	6/1/2011	\$ (1,338.36)	\$ 681.68	
<b>4/13/2012</b>	<b>Loan Modification - Due Date 5/1/2012</b>			<b>\$ -</b>	<b>\$ 681.68</b>	<b>Mod Effectuated 4/30/2012</b>
4/27/2012	\$ 1,500.00			\$ 1,500.00	\$ 2,181.68	
5/11/2012	\$ 1,123.73			\$ 1,123.73	\$ 3,305.41	
5/31/2012		\$ 1,179.11	5/1/2012	\$ (1,179.11)	\$ 2,126.30	
6/1/2012		\$ 26.00		\$ (26.00)	\$ 2,100.30	Prop Inspection Fees
6/1/2012		\$ 200.00		\$ (200.00)	\$ 1,900.30	Expense Advance
6/1/2012		\$ 12.50		\$ (12.50)	\$ 1,887.80	Speedpay Fee
6/1/2012		\$ 387.80		\$ (387.80)	\$ 1,500.00	Applied to Principal
7/17/2012	\$ 1,179.11			\$ 1,179.11	\$ 2,679.11	
7/17/2012		\$ 1,179.11	6/1/2012	\$ (1,179.11)	\$ 1,500.00	
1/12/2013		\$ 83.50		\$ (83.50)	\$ 1,416.50	Excess Claim Funds
6/28/2013		\$ 1,179.11	7/1/2012	\$ (1,179.11)	\$ 237.39	
				\$ -	\$ 237.39	
				\$ -	\$ 237.39	
				\$ -	\$ 237.39	
				\$ -	\$ 237.39	
				\$ -	\$ 237.39	

**SERVICE LIST**

**DEBTOR**

Christopher D. Armitage  
11329 Brendel Lane  
Corpus Christi, TX 78410

**DEBTOR'S ATTORNEY**

John Todd Malaise  
Atty at Law  
606 N. Carancahua, Ste 1100  
Corpus Christi, TX 78401

**CHAPTER 7 TRUSTEE**

Michael B. Schmidt  
555 N Carancahua Ste 1550  
Corpus Christi, TX 78478

**U.S. TRUSTEE**

U.S. Trustee  
Department of Justice  
606 North Carancahua Street  
Corpus Christi, TX 78476

**PARTIES REQUESTING NOTICE AND/OR AFFECTED PARTIES**

John F. Massouh  
Sprouse Shrader Smith, P.C.  
701 S. Taylor, Suite 500  
Box 15008  
Amarillo, TX 79101

Afni, Inc.  
Attn: Bankruptcy  
PO Box 3097  
Bloomington, IL 61702

Americollect  
PO Box 1566  
Manitowoc, WI 54221

Calvary Portfolio Services  
Attention: Bankruptcy Department  
500 Summit Lake Dr. Suite 400  
Valhalla, NY 10595

Capital 1 Bank  
Attn: Bankruptcy Dept.  
PO Box 30285  
Salt Lake City, UT 84130

Cash Call  
1600 S Douglass Rd  
Anaheim, CA 92806

Chase  
Po Box 15298  
Wilmington, DE 19850

Citifinancial  
300 Saint Paul Pl  
Baltimore, MD 21202

Military Star/AAFES  
AAFES  
PO Box 650060  
Dallas, TX 75265

NCC Business Services, Inc.  
9428 Baymeadow Rd., Ste. 200  
Jacksonville, FL 32256

Nco Fin /99  
Po Box 15636  
Wilmington, DE 19850

Plain Gree Loans  
Attn Customer Service  
93 Mack Road Suite 600  
PO BOX 270  
Box Elder, MT 59521

Santander Consumer Usa  
Po Box 961245  
Ft Worth, TX 76161

Security Fin  
SFC Centralized Bankruptcy  
PO Box 1893  
Spartanburg, SC 29304